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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,)	No. CR 02-40123-CW
)	CR 12-0100-CW
12 Plaintiff,)	
)	
13 vs.)	STIPULATION TO CONTINUE;
)	PROPOSED ORDER CONTINUING
14 LEON SMITH,)	CASE AND EXCLUDING TIME UNDER
)	THE SPEEDY TRIAL ACT
15 Defendant.)	
)	

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17 IT IS HEREBY STIPULATED, by and between the parties to this action, that the
18 INITIAL APPEARANCE ON REVOCATION/MOTIONS SETTING ON NEW
19 INDICTMENT date of March 20, 2012 presently scheduled at 2:00 p.m., before the
20 Honorable Claudia Wilken, be vacated and re-set for April 10, 2012 at 2:00 p.m. for INITIAL
21 APPEARANCE ON REVOCATION/MOTIONS SETTING ON NEW INDICTMENT.

22 The reason for this request is that defense counsel needs additional time to review
23 discovery, investigate, and discuss this case with Mr. Smith. The case carries significant
24 potential penalties and requires factual investigation.

25 The parties agree and stipulate that the time until April 10, 2012 should be excluded,
26 under 18 U.S.C. §3161(h)(7)(A) because the ends of justice served by the granting of the

continuance outweigh the best interests of the public and the defendant in a speedy and public trial. The continuance is necessary to accommodate counsel's preparation efforts.

Date	03/19/12	<u>/s/</u> John Paul Reichmuth Assistant Federal Public Defender Counsel for defendant SMITH
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Date 03/19/12 /s/ Wade Rhyne
Assistant United States Attorney

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/)
within this efiled document.

/S/ John Paul Reichmuth
Counsel for Defendant Smith

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ORDER

The court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial. The continuance is necessary to accommodate counsel's preparation efforts. Based on these findings, IT IS HEREBY ORDERED THAT the above-captioned matter be continued to April 10, 2012 at 2:00 p.m., and that time be excluded from the date of this order to April 10, 2012 pursuant to 18 U.S.C. §§3161(h)(7)(A).

IT IS SO ORDERED.

3/19/2012

Date



HON. CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE